BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.: 19-08-20-11

IN THE MATTER OF THE ESTABLISHMENT OF TERRITORIAL HIGHWAY (OR 200), AS COUNTY ROAD NO. 2282, LOCATED BETWEEN THE LANE AND BENTON COUNTY LINE AND THE LANE AND DOUGLAS COUNTY LINE

WHEREAS, ORS 190.110, 366.572 and 366.576 allows the State to enter into cooperative agreements with counties, cities, and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties; and

WHEREAS, by the authority granted in Oregon Revised Statute (ORS) 366.395, the State may relinquish title to any of its property not needed by it for highway purposes to any other governmental body or political subdivision within the State of Oregon, subject to such restrictions, if any, imposed by deed or other legal instrument or otherwise imposed by the State; and

WHEREAS, under the provisions of ORS 366.290(3) with the written consent of the county in which a particular highway or part hereof is located, the State may, when in its opinion the interest of the State will be best served, eliminate from the state highway system any bridge, road, or highway or part thereof. Thereafter the bridge, road, or highway or part thereof eliminated shall become a County road, highway, or bridge, and the construction, repair, maintenance or improvement, and jurisdiction over such highway shall be exclusively under the county in which such road, highway or bridge is located; and

WHEREAS, the Board approved Jurisdictional Transfer Agreement No. 828, hereinafter referred to as “Agreement”, between the Oregon Department of Transportation (ODOT) and Lane County on February 5th, 2019, pursuant to Order No. 19-02-05-09, formally transferring jurisdiction of ODOT’s interest in Territorial Highway (OR 200), to Lane County; and

WHEREAS, said Agreement was fully executed by both parties on February 14th, 2019; and

WHEREAS, the portion of Territorial Highway to be transferred is described in Exhibit “A” of this Order; and

WHEREAS, under the provisions of ORS 368.106, Territorial Highway needs to be established as County road right of way; and

WHEREAS, Lane County Transportation Engineering has examined the road and recommends it be classified as a Rural Minor Arterial; and

WHEREAS, the Board of County Commissioners is satisfied that Territorial Highway will be of public utility and benefit.
NOW, THEREFORE, the Board of County Commissioners of Lane County ORDERS as follows:

1. Territorial Highway is hereby established as described in the legal description marked Exhibit "A", which is attached and made a part of this Order.

2. In support of this action, the Board of County Commissioners adopts the report of the Director of Public Works as set forth in Exhibit "B", which is attached and made part of this Order.

3. Territorial Highway is classified as a Rural Minor Arterial.

4. This Order be filed with the County Clerk and entered into the records of the Lane County Board of Commissioners Journal of Administration and into the County Road Files administered by the Lane County Department of Public Works and the Lane County Surveyor; and that this Order is final and operates to establish the road as County Road No. 2282, also known as Territorial Highway.

ADOPTED this ___ day of August, 2019

Pete Sorenson, Chair
Lane County Board of Commissioners
EXHIBIT A
Legal Description

Lane County / State of Oregon – Dept. of Transportation
Agreement No. 828

EXHIBIT A - Page 1 of 1

Jurisdictional Transfer No. 828
Drawings 7B-13-10, 7B-28-2, 6B-25-20, 1R-2-1291, 10B-2-31
10B-16-14, 6B-18-12, 7B-29-13, 9B-13-11, 10B-2-31
7B-29-13, 7B-29-14, 1R-2-1692, 1R-2-1694, and 11B-4-24
4/11/2018

Transfer To Lane County

All that portion of the active Right of Way of the existing Territorial Highway No. 200 and
the relocated Territorial Highway No. 200 consisting of all properties contiguously
attached to and in support of said active Right of Way and lying within Sections 9, 16, 21,
22, 27, and 34, Township 15 South, Range 5 West; Sections 3, 10, 17, 20, 21, 28, 29 and
32 Township 16 South, Range 5 West; Sections 5, 7, 8, 18, 19, and 31, Township 17
South, Range 5 West; Sections 24, 25, and 36, Township 17 South, Range 6 West;
Sections 1 and 12, Township 18 South, Range 6 West; Sections 6, 7, 18, 19, 20, 29, 32
and 33, Township 18 South, Range 5 West; Sections 3, 4, 10, 14, 15, 23, 24, 25 and 36,
Township 19 South, Range 5 West; Sections 1, 12, 13, 24, 25, and 36, Township 20
South, Range 5 West; and Sections 30 and 31, Township 20 South, Range 4 West, all in
Lane County, Oregon, said portion being bounded on the North by the Lane and Benton
County Line at approximate mile point 2.03 and on the South by the Lane and Douglas
County Line at approximate mile point 42.08.

EXCEPT therefrom the Right of Way boundaries of the Mapleton – Junction City Highway
No. 229 and the Right of Way boundaries of the Florence – Eugene Highway No. 062.
EXHIBIT “B”

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

DIRECTOR’S REPORT

IN THE MATTER OF THE ESTABLISHMENT OF TERRITORIAL HIGHWAY (OR 200), AS COUNTY ROAD NO. 2282, LOCATED BETWEEN THE LANE AND BENTON COUNTY LINE AND THE LANE AND DOUGLAS COUNTY LINE

Staff from Lane County Engineering and Construction Services and the Oregon Department of Transportation (ODOT) have caused to be executed Jurisdictional Transfer Agreement No. 828, hereinafter referred to as “Agreement”, formally transferring ODOT’s interest in Territorial Highway (OR 200) to Lane County as described in Exhibit “A” of the Order. The Board of County Commissioners, pursuant to Order No. 19-02-05-09, approved the terms of the Agreement and authorized the County Administrator to execute the agreement on February 5th, 2019.

The section of Territorial Highway being transferred to Lane County is approximately 40.06 miles in length and runs between the Lane and Benton County Line and the Lane and Douglas County Line, as depicted on the maps shown on Attachment A to the Order. The right of way width of Territorial Highway varies depending on location.

Lane County Transportation Engineering has examined the road and has recommended it be classified a Rural Minor Arterial.

Lane County and ODOT staff have agreed to a phased payment of $30,000,000 in state funds to be paid by the State for future costs of preservation, improvements, and maintenance Territorial Highway and other roads recently transferred to Lane County. The Agreement was fully executed by both parties on February 14th, 2019, and the first installment of $5,000,000 has been paid to Lane County in Fiscal Year (FY) 2019. Future payments of $20,000,000 and $5,000,000 are scheduled to be paid to Lane County in FY 2022 and FY 2024.

Once formally accepted as a County Road, Lane County will be liable for future maintenance of the road under the terms agreed upon by both parties in the Agreement.

By the authority granted in Oregon Revised Statute (ORS) 366.395, the State may relinquish title to any of its property not needed by it for highway purposes to any other governmental body or political subdivision within the State of Oregon, subject to such restrictions, if any, imposed by deed or other legal instrument or otherwise imposed by the State.

By the authority granted in ORS 190.110, 366.572 and 366.576, the State may enter into cooperative agreements with counties, cities, and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

Under the provisions of ORS 366.290(3) with the written consent of the county in which a particular highway or part hereof is located, the State may, when in its opinion the interest of the State will be best served, eliminate from the state highway system any bridge, road, or highway or part thereof. Thereafter the bridge, road, or highway or part thereof eliminated shall become a County road, highway, or bridge,
EXHIBIT “B”

and the construction, repair, maintenance or improvement, and jurisdiction over such highway shall be
exclusively under the county in which such road, highway or bridge is located.

An Order to legally establish this road has been prepared in accordance with ORS 368.106. The legal
description of the alignment is marked Exhibit “A” and is attached to the Order of Establishment.

The public interest will be served, as the road provides a safe, convenient route through the area. If the
Order is approved it will establish the road as County Road No. 2282 and will allow it to be included as
part of the Lane County Road Maintenance System. It is therefore recommended the Order of
Establishment be approved and it be filed with the County Clerk’s Office and entered in the
Commissioners’ Journal of Administration. It is also recommended the Final Order be entered into the
legal County Road files administered by the Department of Public Works and Lane County Surveyor for
public record.

DATED this _____ day of ________________, 2019

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Dan M. Hurley, Director
Department of Public Works